

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,**

Plaintiff,

v.

**EQUITYBUILD, INC., EQUITYBUILD
FINANCE, LLC, JEROME H. COHEN,
and SHAUN D. COHEN,**

Defendants.

Civil Action No. 18-cv-5587

Hon. John Z. Lee

Magistrate Judge Young B. Kim

JOINT STATUS REPORT REGARDING PENDING MOTIONS

Pursuant to this Court's September 23, 2020 Order (Dkt. No. 801), the Receiver, the Institutional Lenders, and the SEC provide the following update regarding current Pending Motions.

- A. Receiver's Motion for Approval of Process for Resolution of Disputed Claims. (Dkt. No. 638)
 - 1. Briefing completed. (Dkt. Nos. 708, 718, 720, 744, 693)
 - 2. Oral arguments on July 15, 2020, August 13, 2020, and September 23, 2020. (Dkt. Nos. 745, 762, 801)
 - 3. Open issues include:
 - a. Framework and procedures for summary proceedings for resolution of claims, such as notice, discovery, position statements, hearings, and related timeframes.
 - b. Standard discovery requests (to be submitted separately by October 2, 2020).
 - c. Electronic discovery of Equity Build documents (to be submitted separately by October 9, 2020).

- d. Approval of vendor to host claims documentation repository and coordinate transfer to claimants in each tranche on a property-by-property basis.
 - e. Receiver's request for lien (fully briefed on the Receiver's Motion, with additional case law and detailed briefing regarding the Receiver's lien requests in the briefs on the Seventh and Eighth fee applications set forth below).
- B. Receiver's Eighth Motion to Confirm the Sale of Certain Real Estate and for the Avoidance of Certain Mortgages, Liens, Claims, and Encumbrances. (Dkt. No. 712)
 1. Motion involves three properties: 6949-59 S. Merrill Ave., 7600-10 S. Kingston Ave. and 7656-58 S. Kingston Ave.
 2. Briefing completed. (Dkt. Nos. 721, 728, 730, 732, 734, 739, 746, 747, 748, 763, 772)
 3. Southside's Motion to Strike Ventus' Supplemental Reply. (Dkt. Nos. 763, 772, 782)
 4. Resolution of the objections should also resolve the issue associated with release of monies held in escrow on three properties subject to this motion. (Dkt. Nos. 721, 739, 746)
- C. Remaining Elements of Receiver's Ninth Motion to Confirm the Sale of Certain Real Estate and for the Avoidance of Certain Mortgages, Claims Liens, and Encumbrances. (Dkt. No. 749)
 1. The Ninth Sale Motion is subject to Certain Mortgagees' Objections to Ninth Sale Motion (Dkt. No. 769) and the pending Motion for Oral Argument on Receiver's Ninth Motion to Confirm Sales (Dkt. No. 770)
 2. Two properties remain and are subject to the Certain Mortgagees' Objections: 1131 E 79th Pl and 6250 S Mozart St.
 3. Briefing completed. (Dkt. Nos. 769, 787, 790)
- D. Remaining Elements of Receiver's Second Motion for Restoration of Funds Expended for the Benefit of Other Properties. (Dkt. No. 749)
 1. One objection remaining relates to two properties: 5450 S Indiana Ave and 7749 S Yates Blvd. (Dkt. No. 764); briefing on this objection completed (Dkt. No. 791)

- E. Receiver's Seventh and Eighth Interim Applications and Motions for Court Approval of Payment of Fees and Expenses of Receiver and Receiver's Retained Professionals (Dkt. Nos. 755 & 778). These pleadings are listed together because the objections/replies to the Eighth Application/Motion incorporate the objections/replies to the Seventh Application/Motion.
1. Mortgagees' objections to Receiver's Seventh Interim Application (Dkt. Nos. 777, 781) and Receiver's Eighth Interim Application (Dkt. No. 792)
 2. SEC's Reply in Support of Receiver's Seventh Fee Application (Dkt. No. 797)
 3. Receiver's Combined Response to Objections to Seventh and Eighth Fee Applications. (Dkt. No. 800)
 4. SEC's Reply in Support of Receiver's Eighth Fee Application. (Dkt. No. 803)
- F. (Corrected) Motion for Priority Determination and Turnover of Sale Proceeds (#785)
1. Related to two properties located at: 7110 S Cornell Ave and 6751 S Merrill Ave.
 2. Receiver's response to motion due 10/2/2020.

Dated: October 2, 2020

Respectfully submitted,

/s/ Michael Rachlis
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National Association; Thorofare Asset Based
Lending REIT Fund IV, LLC; and Liberty EBCP,
LLC*

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2020, I caused the foregoing **Joint Status Report Regarding Pending Motions** to be electronically filed with the Clerk of the Court for the United States District Court for the Northern District of Illinois, Eastern Division, by using the CM/ECF system which will serve via e-mail notice of such filing to all counsel registered as CM/ECF users.

I further certify that I caused true and correct copies of the foregoing to be served upon Defendant Jerome Cohen (jerryc@reagan.com) by electronic mail.

/s/ Michael Rachlis

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